

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

KEVIN STUART, Individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

GINKGO BIOWORKS HOLDINGS, INC.  
F/K/A SOARING EAGLE  
ACQUISITION CORP., HARRY E.  
SLOAN, JASON KELLY, and MARK  
DMYTRUK,

Defendants.

Case No.: 4:21-cv-08943-YGR

~~[PROPOSED]~~ ORDER APPOINTING  
SHARON BERNSTEIN AS LEAD  
PLAINTIFF AND APPROVING SELECTION  
OF COUNSEL

\*\* AS AMENDED BY THE COURT \*\*

CLASS ACTION

1           **WHEREAS**, the Court has considered the competing motions for Appointment of Lead  
2 Plaintiff and Approval of Lead Counsel,

3           **IT IS HEREBY ORDERED THAT:**

4           **I.       APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL**

5           1.       Having reviewed all pending motions and accompanying memoranda of law, the  
6 Court hereby appoints Sharon Bernstein (“Bernstein”) as Lead Plaintiff in the Action. Bernstein  
7 satisfies the requirements for Lead Plaintiff pursuant to Section 21D(a)(3)(B)(iii) of the Private  
8 Securities Litigation Reform Act of 1995 (the “PSLRA”), as she has the largest financial interest  
9 in this litigation.  
10

11           2.       Lead Plaintiff, pursuant to Section 21D(a)(3)(B)(v) of the PSLRA, has selected  
12 and retained Pomerantz LLP as Lead Counsel for the Class in the Action, who is hereby  
13 approved.  
14

15           3.       Lead Counsel shall have the following responsibilities and duties, to be carried out  
16 either personally or through counsel whom Lead Counsel shall designate, *inter alia*:

- 17           (a)     to coordinate the briefing and argument of motions;  
18           (b)     to coordinate the conduct of discovery proceedings;  
19           (c)     to coordinate the examination of witnesses in depositions;  
20           (d)     to coordinate the selection of counsel to act as a spokesperson at pretrial  
21 conferences;  
22           (e)     to coordinate all settlement negotiations with counsel for defendants;  
23           (f)     to coordinate and direct the pretrial discovery proceedings and the  
24 preparation for trial and the trial of this matter and to delegate work  
25 responsibilities to selected counsel as may be required; and  
26           (g)     to supervise any other matters concerning the prosecution, resolution or  
27 settlement of this Action.  
28

1           4.       No motion, request for discovery, or other pretrial proceedings shall be initiated  
2 or filed by any plaintiffs without the approval of Lead Plaintiff and Lead Counsel, so as to  
3 prevent duplicative pleadings or discovery by plaintiffs. No settlement negotiations shall be  
4 conducted without the approval of Lead Plaintiff and Lead Counsel.

5           5.       Counsel in any related action that is consolidated with the Action shall be  
6 bound by the organization of plaintiffs' counsel set forth herein.

7           6.       Lead Counsel shall be the contact between plaintiffs' counsel, and shall direct  
8 and coordinate the activities of plaintiffs' counsel.

9           7.       During the pendency of this litigation, or until further order of this Court,  
10 the parties shall take reasonable steps to preserve all documents within their possession,  
11 custody, or control, including computer-generated and stored information, and  
12 materials such as computerized data and electronic mail, containing information which is  
13 relevant or which may lead to the discovery of information relevant to the subject matter of  
14 the pending litigation.

15           Accordingly, Sharon Bernstein's motion for appointment as lead plaintiff (Dkt. No. 11) is  
16 **GRANTED**. Peter Freeman's motion for appointment as lead plaintiff (Dkt. No. 7) is **DENIED**.

17 **IT IS SO ORDERED.**

18 DATED: March 25, 2022

19  
20  
21  
22  
23  
24  
25  
26  
27   
28 THE HONORABLE YVONNE GONZALES ROGERS  
UNITED STATES DISTRICT JUDGE